

Native Dispute Resolution Network

September 15-17, 2004
Final Meeting Summary/Digest

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Meeting Goal and Objectives

Goal: Provide input that enables the U.S. Institute to make good decisions about next steps for the Native Network related to: implementation; additional recruitment; opportunities for partnering between Network members and others.

Specific Objectives

1. Create an opportunity for Network members to get to know one another
2. Educate each other about individual needs, expectations, and opportunities as Network practitioner and partner members
3. Gather individual input regarding implementing the Network (the referral system and outreach to users)
4. Gather individual input regarding additional recruitment by the U.S. Institute and network members, and
5. Exploring the future role and expectations of the Network coordination team members and/or of other individual Network advisors.

Network Overview – Clarifying the Big Picture

Purpose of the presentation: To provide a context for development of the Network and an understanding of our (Joan's and Sarah's) experience base and frame of reference from developing other referral systems/programs.

Chronology of the Network – refer to pre-meeting handout.

The concept of the Network began in 2000 with a series of conversations with practitioners, members of Native communities, and federal agency staff. Work began in 2002 with funding from the William and Flora Hewlett Foundation.

Important Considerations and Constraints – refer to pre-meeting handout.

1. FACA Considerations. The U.S. Institute is not seeking consensus, group agreements or group advice from the coordination team or Network members. The coordination team and Network members are not advisory committees that provide official recommendations to an agency under the Federal Advisory Committee Act (FACA). The U.S. Institute seeks the individual input of Network members as well as coordination team members. Bringing the group together in September provides an opportunity to hear each other's opinions and perspectives, which in turn may inform individual perspectives about the Network.
2. As a federal agency, the U.S. Institute, as part of the Morris K. Udall Foundation, is not authorized to create a program or system for these purposes that establishes preferences based on ethnicity. The focus of the Network is to identify American Indian, Alaska Native, and Hawaiian dispute resolution practitioners and create a network for conveying skills and knowledge and expanding opportunities for their services and expertise. A non-Native American who meets the essential elements for inclusion in the Network can be listed.
3. The U.S. Institute's mission is to address natural resources, environmental, and public lands issues where a federal agency or interest is involved. This mission presents the two fundamental conditions by which the U.S. Institute becomes involved in cases or issues. These elements factor into how the substantive scope of the Network was defined.
4. Like many projects in today's economy, this project also faces important resource constraints, specifically those of funding and staff time. While the U.S. Institute is deeply committed to the success of the Network, limited resources may influence what great ideas we can actually implement in a high quality manner. Securing long term funding to ensure the health and vitality of the Network is critical. Clearly partnerships, in a variety of forms, will be essential in this endeavor. We also look to Network and coordination team members for ideas, approaches and avenues.

Reminders:

- School ourselves to use "Native" groups, "Native" nations, "Native" communities.
- **Consistency re: titles:** For consistent use of language and identification: This is the "Network" (rather than a/the "roster", e.g., the Roster of ECR Practitioners or the Transportation Roster)

- **What information referral requestors receive about members:** Those requesting referrals from the Network receive the materials members submitted when seeking to be part of the Network. (Please see the information in the “member recruitment” booklet regarding the Network, to which you responded when seeking to be part of the Network).
- **Roster databases/searchability:** The Roster of ECR Practitioners in an online database with a sophisticated, expensive-to-develop search capability and over 250 members. The Transportation roster is a sub-set of the 250 individuals and is a simple Access database that is only sortable by name and state. More details about the Roster of ECR Practitioners is available from: <http://www.ecr.gov/roster.htm>.
- **Network “searchability”:** Information about Network members is, at this point, collated into an Excel spreadsheet from the materials each member submitted. Referrals are provided by reviewing the information for each member and matching it with the need/request for the particular situation. Whether and how a simple Access-based database can be created is dependant upon the demands on the Foundations/U.S. Institute’s limited IT resources. The possibility remains on the list for future development. However, there are no plans for the Network to be a publicly searchable, online database. Those seeking referrals will contact Joan or Sarah. This allows for the opportunity to provide “case consultation and coaching/advice” that may be of interest and assistance to the requestor and enhance the possibility for a good process and selection of appropriate conflict resolvers.
- **Choice and control in the hands of members and users (referral requestors):** These are basic concepts that inform the development and management of the Institute’s rosters and will be in operation with the Network. Members have control over what is provided because it is the materials members provide to Joan that are then used to make matches and are in turn provided in referrals. Those who receive the information choose whom from the referred group to contact. .
- **The continuing development of the Network:** We will be providing referrals, member communications, opportunities, etc. based on input we receive and our experience developing and managing similar programs. It is all just the initial formulation and we will all see how it works and doesn’t work and adjust accordingly.

Who are the members?: There are 52 Network members.

- **Practitioner members** have experience with env/natural resources and/or public/trust lands issues in some capacity and experience as a dispute/conflict resolver where Native people were involved.
 - There are 43 practitioner members, eight of whom self-identify as Native. Of the 43, 25 are Roster of ECR Practitioners members.
 - Practitioner members have a broad range of experience with dispute/conflict resolution and collaborative planning involving tribes/native people (from one case to many cases) and a broad range of experience with environmental, natural resource and public/trust land issues, in a variety of capacities.
- **Partner members** can have extensive experience working “in Indian country”/with Native peoples/communities and [environmental, natural resource and public/trust land or

experience as a dispute/conflict resolver were Native peoples/communities were participants].

- There are nine partner members, three of whom identify as Native.
- At this point, all the partner members of the Network have extensive experience working “in Indian country”/with Native people/communities and environmental, natural resource, public/trusts lands experience.
- Partner members have a broad range of experience working with Native people/communities in a number of capacities. Some have experience participating in ECR processes. Some have experience representing parties in environmental matters.

Why the practitioner and partner members categories?: The coordination team workgroup initially was focused on providing feedback that would allow us to identify practitioners for the Network who could lead conflict/dispute resolution processes where Native people/communities and federal agency people were primary participants. During the process of formulating and articulating experience for Network members it became apparent that:

- there would likely be others who had valuable experience and knowledge, were interested in dispute/conflict resolution where Native people/communities are involved, and may want to be included in the Network
- other practitioners and process participants/sponsors may want to identify individuals with experience/knowledge and interest.
- including these additional individuals supported the purposes of the Network

Thus, individuals on the coordination team workgroup suggested the partner status, and the necessary experience articulated.

Doesn't the partner and practitioner status create categories of people and “put people in boxes”? What's the rationale?

Yes, the categories do identify two different groups of people with different sets of skills and experience. The thought was (and still is) that this would allow members to easily identify each other for teaming on particular projects and “mentoring” in general.

What to expect re: referrals:

- As a point of reference, the Roster of ECR Practitioners/Transportation Roster receives four requests per month. Process sponsors/participants use it to find a pool of appropriate practitioners; roster members use it find each other for teaming and networking. A few requests for referrals from the Network have already come in. We will report periodically on referrals, so you know what is happening.
- See the notes above regarding “**What member information referral requestors receive**” and “**Network Searchability**”.

- **Choosing An Appropriate Neutral***: This is provided with referrals to the Roster of ECR Practitioners. We will need something similar to provide with Network materials.
*Available from the right hand navigation bar: <http://www.ecr.gov/roster.htm>
- **Roster Search FAQs ***: This provided with referrals to the Roster of ECR Practitioners. We will develop a similar document to provide with Network materials. Input suggests that “educational” information could/should be included here and we will be working on information pieces to be provided with referrals.
* Available on the Institute website see the right-hand navigation bar on:
<http://www.ecr.gov/roster.htm>

Roles/Responsibilities: see handout

Partnering between Network Members

Note: For the purposes of the Network, “partnering” is defined as teaming or co-mediating. And more broadly, a partnership includes members working together with the goal of sharing and increasing skills, knowledge, experience and cultural competency and improving service to process participants.

Take-away points:

We posed the following questions to the group:

1. In what situations do you partner/team/co-mediate?
2. How can the Network be a resource to you for partnering?

1. In what situations do you partner/team/co-mediate?

- It varies with the situation, some partner in all of their work, others partner for specific activities such as public policy consensus building efforts.
- Most Network members partner when they don't have everything needed to be helpful with problem/need. Some examples: provide internal knowledge about a group such as an agency, technical consultants, legal issues, class differences, race dynamics, diverse audiences such as rural participants, age, gender, financial issues, where there is an opportunity for spirituality/apology/forgiveness to occur.

2. How can the Network be a resource to you for partnering?

- Facilitate communication between Network members by establishing listservs, web based forums, e.g., electronic councils, a website that links to agency environmental programs and entities that conduct environmental work.
- Information exchange – develop a best practices guide on how to team/partner/co-mediate based on information sharing between Network members. (contact Karen Wiancki)
- Mentoring – formal and informal, pre-partnering opportunities
- Provide a Network member skills inventory, short bios of members provided by the member or compiled from an interview with the member, searchable resume (searchable by standard terminology).

Additional themes:

Go outside the Network to find partners/teams/co-mediators

- Facilitate information exchanges between Network members and potential Network members and users by holding regional conferences, retreats, space for work and play together.
- Work with members of tribes and tribal courts to identify others in the tribe who might be partners

Cautions

- Important to partner or team as equals and ensure there is reciprocity
- Check assumptions about selecting team members based on ethnicity alone – “Not every old Hawaiian is a wise elder.”

Next steps:

- Actions to facilitate Network member communications: establish Network listserv, revamp Network web page to be more user friendly

- Review and assess Network member recruitment materials to address feasibility of requesting bios for current and potential members and then including bios in the referral materials.
- Research and assess benefits of a searchable skills inventory. NOTE: Resources not available at this time to develop a searchable resume or database.
- Explore the range of venues and opportunities for Network members (current and potential) to gather.
- Long-term: assess feasibility of best practice/guidance document on partnering/teaming/co-mediating.
- See also next steps in “Referring Network Members”

Referring Network Members

Note: “Referrals” includes responding to requests from process participants as well as assisting Network members and other practitioners with locating Network members for activities such as: forming a project team consulting, skills-sharing, cross-mentoring.

We posed the following organizing questions to the group:

1. What is your feedback regarding the proposed referral “system”? (see the Network Overview Section of this Summary for a description)
2. What sensitivities/cultural perceptions need to be kept in mind when making referrals?
3. What feedback do you have about written materials provided those seeking referrals?
4. Would knowing what tribes/native communities member have worked with be useful to members and users? Are you willing to provide that information for use?

Takeaway-points:

Question 1: What is your feedback regarding the proposed referral “system”?

- It may be helpful for the Institute to put together dyads, promote co-mediation where that would be helpful. Don’t necessarily assume partnering, but consider it where helpful
- The Institute/Network can be instrumental in finding partners (teaming) for projects
- Will need to find ways to deal with requestor comfort with sole Native practitioner in some situations and to deal with “tokenism/exploitation” in others
- Consider what follow-up would be helpful and what other resources there are, e.g., what happens if the parties aren’t interested in the profiles provided.
- Consider existing use of Roster of ECR Practitioners for tribal issues – how will that change?
- Foster verbal exchange/communications
- Variations to the present Network referral system
 - the Institute plays a different role upon inquiry such as providing initial information to requestor and notification to member(s), then members provide information directly to the requestor, and the Institute does follow-up.
 - Institute houses tribal liaison in outreach/caseworker role

Question 2: What sensitivities/cultural perceptions need to be kept in mind when making referrals?

- Be cognizant of white privilege and need for education/teaching about values driving decision
- Trust-building takes time and lots of patience
- Leveling the playing field: it can be important where conversation takes place
- Storytelling: allow time and encourage all groups to speak and to listen
- Develop open-ended clarification questions in Institute interviews

- Mediators need to understand cultural sensitivities for tribes they are working with
- A “library” including information about and characteristics about tribes/Native communities could be helpful
- Joint training/dialogue to talk about dispute resolution from various viewpoints- tribal, industry, public sector all have cultures (joint trainings could provide a basis for learning about cultural sensitivities/perceptions that could translate to making referrals)

Question 3: What feedback do you have about written materials (for users generally and materials provided those seeking referrals)?

- Broaden definition of “the work” (create additional incentives for tribal governments to participate, e.g. consultation, environmental justice)
- Need more than just listing of projects, track successes to develop “Best Practices”
- Emphasize sovereignty: understand and see each tribe as a distinct sovereign entity which may have cultural differences and cultural clashes with non-Indian cultures as well as with other tribes/Native people
- Include info about decision-making structures in federal government agencies and/or tribes.
- Acknowledge difference and similarities
- Emphasize underlying circle and telling stories (rather than pyramid structure)
- Emphasize importance of face-to-face meetings
- See info above in response to question #2 for possible inclusions in the written materials

Question 4: Would knowing what tribes/native communities member have worked with be useful to members (partners and practitioners) and users? Are you willing to provide that information for use?

- The overwhelming response was “yes” information about what tribes/native communities member have worked with would be useful and “yes” members are willing to provide the information.

Other general take-away points:

- Find ways to make finances available through the Institute; dedicated funding to support mentoring, co-mediation, dispute resolution with native practitioners
- Possible avenues to support expanded services: tribal resources, congressional appropriation earmarking funds for the Network
- Consider Tribal Advisory Committee—creates integrity

Next Steps:

- Formulate an organized method for getting information from members about what tribes/Native communities members have worked with. Collate the information into the existing information used for making referrals and use it in making matches.

- When making referrals, consider whether co-mediation would be helpful to the situation/participants and whether there is an opportunity to create a team/dyad. Provide referrals and coach requestor accordingly.
- As part of referral process, encourage process participants and members to engage in verbal exchanges and face-to-face interviews/meetings as part of the process of finding members with whom to work.
- Seek helpful/appropriate language to address requestor comfort with sole Native practitioner and is seeking a Native practitioner for “tokenism/exploitation”
- Determine what follow-up is possible in short and longer term
- Determine changes to use of existing Roster of ECR Practitioners for tribal issues
- Incorporate suggested educational points and identified cultural perceptions/sensitivities into referral matching, coaching/advice to requestors, and materials for referral requestors/others
- Continue involvement/individual advice from coordination team
- Continue pursuing funding base
- Assess what/whether/how an alternative referral system would work to meet users’ needs

Recruitment of Additional Network Members

Take-away points:

The following questions were posed to the group:

1. What groups and organizations should be approached?
2. What materials and methods would be effective in reaching new members?

1. What groups and organizations should be approached?

- Access existing groups e.g., NCAI, NARF, ABA, ACR and agencies such as DOJ, BIA etc. (Note to reader: this is a partial listing for purposes of preserving space.)
- Contact native nations and communities, federal, tribal, state, local agencies and courts etc. (including Canadian groups)
- Tribal colleges, universities and law programs

2. What materials and methods would be effective in recruiting new members?

Materials

- Marketing materials: hard copy, web, short video or live stream video

Methods

- Need for diversity/cultural sensitivity on the Network
- Recruit Native people to “recruit”
- Network members to contact tribal members/Native people with whom they have worked for suggestions of potential members or to recruit directly.
- May encounter individuals with the following:
 - Skills & experience
 - Skills & no experience
 - Experience & no skills
 - No skills and no experience (trusted individuals)
- Consider how to approach individuals with special skills—development of skills.
- Quality assurance

Next steps:

- Review and assess updates to outreach/recruitment materials to address points raised in methods.
- Invite/encourage Network members to assist in recruiting new members
- Assess outreach/recruitment strategy and resources and revise plan accordingly to reach appropriate organizations and individuals.

Skills Sharing and Network Member Opportunities

Purpose: Gather ideas and suggestions for locations and co-sponsors of the proposed skills exchange workshop (see pre-meeting materials). An additional \$37,000 is needed to fully fund the skills exchange workshop. Funds cover labor for two teams of Network members to develop training materials and travel expenses, facility costs for 30 individuals.

Take-away points:

Suggestions for Hosts/ Meeting Space

- Salish-Kootenai College (Anita D)
- Oneida Green Bay (Kesner)
- Miccosukee (Miami, FL) (Kesner)
- HI (Marina & Kalani)
- MT Consensus Council may be a co-sponsor (Nedra)
- MT/WY Tribal Leaders Council- Gordon Belcourt (Bruce M., Nedra)

Suggestions for Co-Funders

- DOI – CADR (Kathy L.)
- EPA – CPRC (Lee S.)
- Indian Legal Services (Molly B.)
- NTEC (Bob G.)
- FERC (Deborah O.)
- Industry Contacts (Molly B.)
- IEN: Tom Goldtooth (Mary Margaret, Kesner)
- Greg Wadley (Mike P.)
- Relicensing Companies (Deb O., Kesner)
- ABA
- Tribal Gov's & Corps (Lee S., Eric V.L.)

Caution: Not all organizations or entities will sufficiently match the purpose or vision of the Network to be a co-funder.

Next steps:

Sarah is first following up with members who provided the suggestions regarding co-funding. Developing list of site criteria to frame conversations regarding meeting location.

Cautions – Checks and Balances

Meeting participants expressed a number of over-arching concerns that were recorded and which will serve as “checks and balances” for decision-making.

They are:

- We need to keep telling and listening to stories, to keep learning
- Stay aware of resource implications (it is costly to monitor, track, evaluate processes)
- Focus on sustainability (funding and otherwise)
 - Need for funding
 - Determine what can be done without additional funding; what would inspire members to invest own resources
 - Consider how to sustain Network beyond and outside the Institute’s constraints
- Beware of the “Gold Rush Phenomenon” regarding funding
 - The pursuit of available funding that takes us off-mission
 - Determine whether there is real benefit in Indian Country/to Native communities
 - Speak to the need, not the resources that support it
- Watch out not to create exclusive group (in the interest of sustaining the Network/finding other entities to administer the Network) that then becomes self-promoting and gate keeping
- Hang on to the goals
- Explore ways to implement without requiring self-description/promotion
- Watch that the Network isn’t used as way to develop private enterprise that could/would exploit native people.
- Maintain choice
- Be aware of precedents and implications of outcomes
 - if legal, how will other tribes, communities be impacted?
 - need constant vigilance
- Explore whether this group should develop a core values and/or ethics statement.

Idea Bin

- Financial issues limit mediation activities and mentoring between senior practitioners and individuals entering the field
- Terminology focus—definitions
- Consider a paperless process for inclusion in the Network
- Network needs a Vision- Inspirational/Aspirations vs. Functional

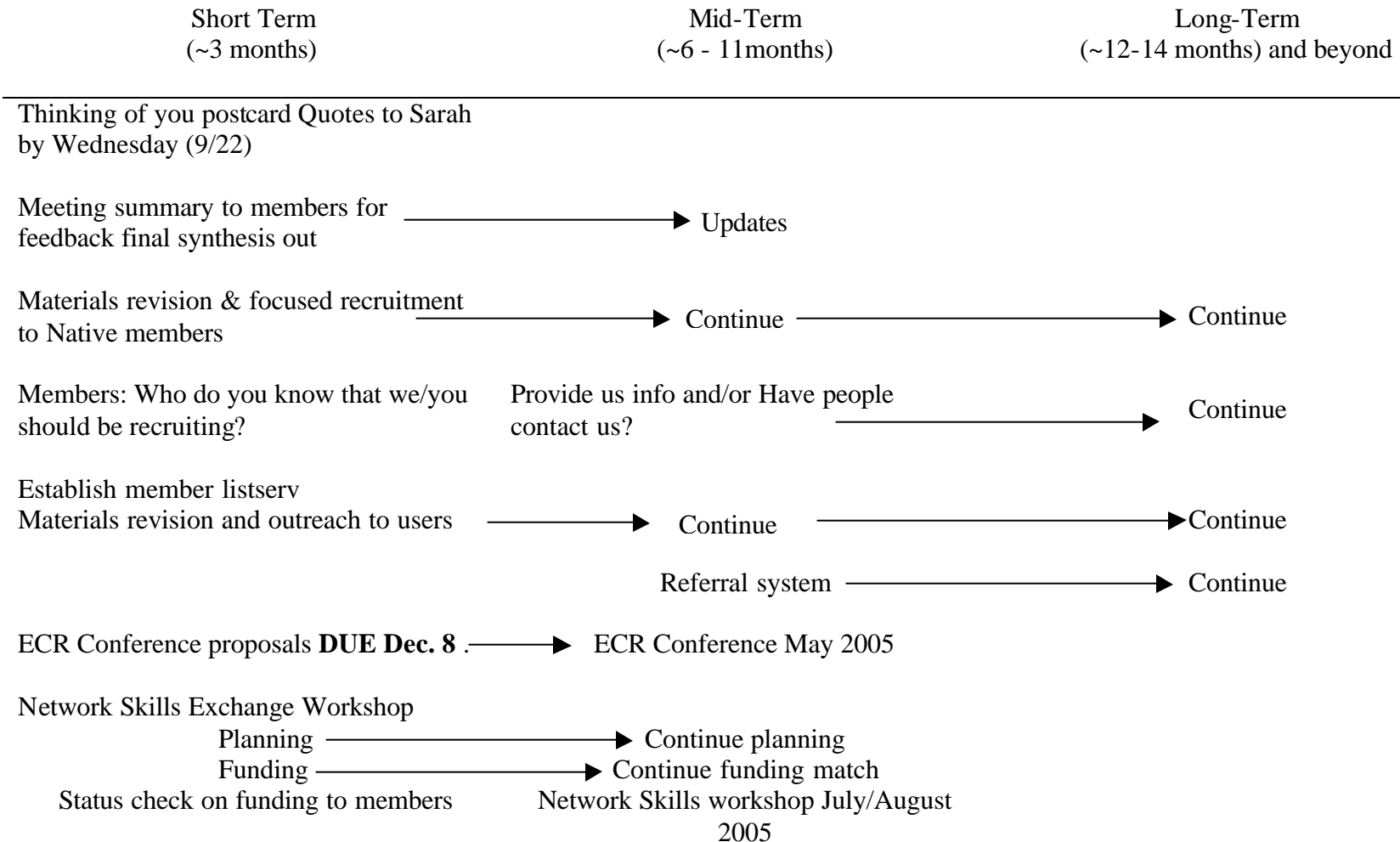
Leveling the playing field in mediation→ coaching for parties in process

Articulating the need for work quantitatively and qualitatively

- More education on ADR
- Articulate “need” for our work- qualitatively and quantitatively
- Encourage everyone, including bureaucracies to tell their story
- Sustainability of the Network- low cost, no cost... (limitations are created when we are dependant)
- Think radically be creative
- Be much less “white” – have more Native people in the Network
- A sufficient resource base (time, money, people) must exist for successful co-mediation

Background discussion of certain federal, state and local laws, which sometimes impede and sometimes help enormously by becoming the foundation for mediation.

Timeline



Open Space Discussions

Please contact Presenter/Facilitator for additional information, if desired.

Topics:

1. Native Peacemaking: One size does not fit all: Ho'oponopono, Ho'opononua, Native Peacemaking

2. How to increase numbers of Native Practitioners in the ADR field, including through mentoring.

3. Culture

1) Is it important to understand the culture of the Native persons in a dispute that you are helping to resolve?

2) If yes, should the Network be a resource for the information on culture? And if so, how?

3) To what extent, if any, should the Institute administer the dispute resolution process such as: 1) Demonstration 2) Selection of resolver, etc. 3) Quality control etc.

4. Value-based decision-making

Native Peacemaking: One size does not fit all

Ho'oponopono

Presenter/Facilitator:

Beadie Kanahele Dawson

- Ho...- “to make things right”- a very structured process leader-job is very much like a mediator-has to be completely acceptable to all sides- due diligence job before – goes to every individual involved- explain process, get complete buy-in-results are final and binding by agreement-no appeal- no lawyers.
- begin and end with a spiritual element- recognition that there is a higher power- courts do not recognize- parties can by agreement
- confession
- apology
- forgiveness
- healing
- when these have take place, healing is complete
- parties address only the leader, not each other
- if there is a need for apology- it is done with permission
- understanding that because there is a higher power involved, only truth is spoken. higher truth-truth known between you and your god
- everyone has a say-each person is invited to put their thoughts and feeling on the table- looking only to oneself not the “wrong doer” – not finger pointing what did I contribute? What is my place in this situation?
- need for “time-out”- prayer before and after- complete silence- each person can deal with her/his own emotions
- leader brings them back together when he/she is convince that everyone is ready
- the onion- take each lawyer- when a layer is resolve, move on to next lower issue
- confession/apology/forgiveness do not exist in present mediation, but are important elements in healing- (who) is studying use of them.

Ho'opononua

Presenters/Facilitators: M. Kalani Souza and Marina Piscolith

Kalani and Marina are developing a new model which is a hybrid western and Hawaiian model that they call Ho'opononua. *“To set things to right, and move forward”*. They are currently developing a “write-up” of this model and we will be circulating it once it's ready for distribution.

Native Peacemaking

Presenter/Facilitator: Kesner Flores

- Federal impression is that Native process are unfair
- Western idea of adopting constitutional processes that are not culturally based causes problems for tribes
- how to dispel problems before they start-cultural element in public notice-don't like things recorded- in cultural setting can say what is on their minds
- mediation model
- working with parties before litigation-take time- more palatable.
- tribal or general?

- resources are not necessarily available to tribes
 - guided by legal counsel- in general, lawyers don't like consensus models-tribes having to convince attorneys
- can resolve some issues before going into a formal process
- tribes are very aware of potential problems in taking cases into court
- struggling to bring cultural values into the process
- jurisdiction of tribes over non-members on reservation?
- current case law- Montana case
 - non-member-consensual actions on reservation
 - non-member's actions affect health or safety on reservation
- exhaustion of tribal remedies- law is not longer quite as clear- but could include "mediation" process- might be upheld.
- MM- ICWA cases-trying to introduce mediation-very difficult-high emotions-lawyers pushing – what needed to happen?
- teaching tribes about mediation – if there was a way to show the cultural base- it was there, but we didn't call it that- roundhouse, caucus (Algonquin), different roles- have "Euro" terms, but with tribal relevance
- Navajo have introduced concepts successfully
- but need resources- there is not template for this
- vision of an end-state (better consultation/better resolution of disputes) where healing is possible- how to get Fed funds
- where does money come from?
 - congressional appropriations
 - judgment fund?
 - program funds
- EPA contract- needs to have funded put in by agencies
- DOJ money for Circle Project- to revamp courts- but used to build jails
- Judgment fund is a deterrent to federal interest in using ADR, but funds do go to remedy situation
- Do not give up on Congressional appropriations- may take time, but work on it
- At 11th hour, stick rider on a stalled bill
- "coyote" method
- Partnering with NTEC and NCAI
- Work with powerful person behind the scenes
- not question of who gets the money- but who pays for process/implementation
- what can be done without expecting it to be paid for?
- need ability to prove that ADR processes have value-evaluation is being worked on, but is not done
- Lack of consensus between tribes on what they need

How to increase numbers of Native Practitioners in the ADR field, including through mentoring.

Facilitator/Recorder: Lucy Moore

Participants: Lucy Moore, Bob Golten, Eric Van Loon, Michael Last, Michael Popovich

- Challenges for Native people who want to enter field:
 - training takes money
 - may not be comfortable in the mainstream learning environment
 - may be cultural gaps relating to time, written products, etc.
- Identify those with an interest:
 - recruiting may be less the point than identifying those who are interested
 - the point is not to find a Native person and turn him/her into a mediator; the point is to make selves available (as individuals and organizations) to help those who are interested; this of course involves outreach to let Native people know we are here and what we are about.
- What we can do:
 - Outreach – go to where they are and offer information about, training in, ADR, mediation, etc. – look around you – community colleges, casinos, information boards, tribal community centers, universities, electronic opportunities to educate
 - Infiltrate academia – find those teaching courses where interested Native people may be – law schools, social work, counseling, education, natural resources departments, adult education classes, and offer to teach a segment on ADR, mediation, whatever
 - Mentor – find someone genuinely interested, with the potential for passion about the field, with the ability to be neutral in a professional setting, etc. – take that person with you on jobs whenever you can, talk with him/her before and after sessions, learn from him/her while you are mentoring – include that person in contracts you get – include “mentoring clause” in contracts, where you offer to mentor a certain number of agency staff or community reps, or whoever is part of mediation, pro bono, in connection with meetings.
 - Watch out for stereotyping – there are many kinds of Native people as there are Anglos; some are deeply tied to a native culture, some are not, some are uncomfortable in mainstream settings, some are uncomfortable in native settings – work with those who are interested in working with you and find out who they are and where they are heading; they may not be interested in working with native communities, but want to do corporate work internationally – that’s great, too!
- Recommendations for Network:
 - increase Native staff at USIECR
 - focus on recruiting and identifying Native people who are interested in the ADR field
 - make contact with (hopefully in person) partnering organizations, tribal organizations, in a systematic way
 - offer courses, or facilitate offering of courses, in different regions, to introduce field and concepts to Native people
- What we can learn from Native people:
 - importance of listening, how to listen
 - start where people are in terms of skills, interest, experience

Culture:

- 1) **Is it important to understand the culture of the Native persons in a dispute that you are helping to resolve?**
- 2) **If yes, should the Network be a resource for the information on culture? And if so, How?**
- 3) **To what extent, if any, should the Institute administer the dispute resolution process such as: 1) Demonstration 2) Selection of resolver, etc. 3) Quality Control etc.**

Facilitator: Louis Coffey

Recorder: Deborah Osbourne

1. Is it important to understand the culture of the tribes in a dispute that you are helping to resolve? Answer is yes.

2. If yes, should the Network be a resource for the information on culture? And if so, How?

- Resources/References: Dr Walter Fleming Tel: 406-994-3881- Idiots Guide to Dealing with Native Americans“; Building Effective Gov’t & Business Relations w/ Am. Ind. Tribes, by Shenadin, W; Larry D. Keown
- Have some information on Network on “cultures”
 - Can the Institute amass some information on culture?
 - Could practitioners/experts assist w/ amassing the information—even practitioners have the trust w/ the group
 - There are consistent approaches by regions based on treaty rights etc... this might be captured by the Institute.
 - Institute has a list of suggested steps for the mediator to cover—e.g. slower speech
 - The role of the Network is probably very limited- website
 - Institute to identify critical sources (2 or 3) in each region to do a short intro on the Native people.
- Eventually, a newsletter may come out where non-confidential information can be released in a prescribed format—obviously pieces from newsletter could be approved by Native persons and other parties on 1) Scenario; 2) What went well 3) What could have gone better 3) What made things work/aspects, cultures, process, meeting
- Other resources- tribal listings; Tribal Historic Preservation Officers; DOI (link to their website gives some info on culture); Les McConnell has information on NW Native groups
- Tutorials over the telephone
- Visit the tribe before a mediation session—and find a chaperone to view the community. (e.g. Japanese culture- you are invited to the house the night before for dinner and don’t discuss business) Have all parties come the day before? Equal time could be given to all parties. Visiting the tribe can build tribes trust; allows mediator to be in the tribe’s cultural context to some degree
- Good measures:
 - Follow the Native person’s lead, ask questions, where should I sit in the room; e.g., we’re here to earn your trust— what would you like to us to.
 - Get guidance on who you should be in the touch with
 - How do you like to do business?
 - Ask who else should be contacted.
 - Ask what are your priorities?
 - Contact other information practitioners to get familiar with Native persons others worked with to understand the Native governments, cultures, how things worked better.

3. To what extent, if any, should the Institute administer the dispute resolution process such as:

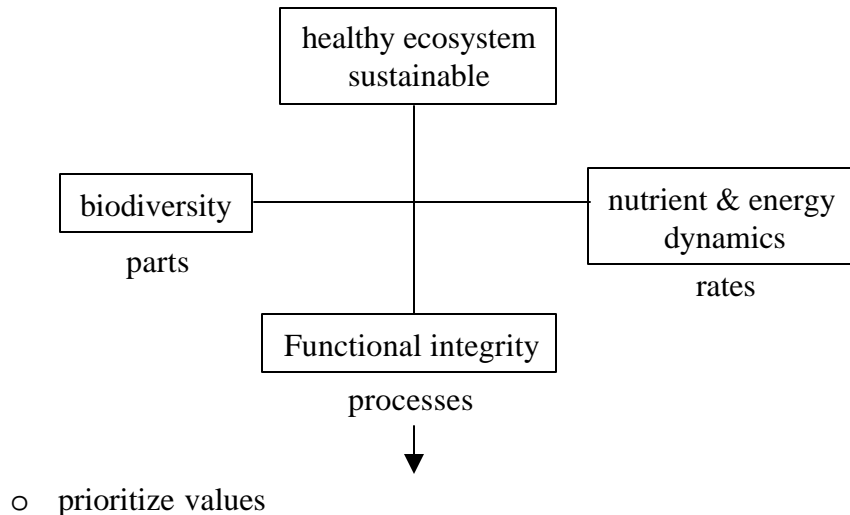
1) Demonstration 2) Selection of resolver 3) Quality Control, etc.?

- What will eventually happen to the Network?
 - Concerns are quality control
 - Success and financial support could help sustain
 - Is there a survey form that will go to all participants
 - Where do we as “practitioners” want to be in 5 years?
- General observation/Reflection of Group:
 - What would make Nat persons want to come to this group?
 - Practitioners need to take initiative on successes
 - Let’s not box ourselves as self-fulfilling, keep a consensus approach that empowers the Native Network practitioner within the Institute and outside the confines of the Institute.
 - We viewed the Institute as a circle of life and we are interdependent. There is no one higher than the other.

Value-based decision-making

Presenter/Facilitator: Doug Reagan

- All decisions are based on values
- All environmental values are:
 - ecological
 - human use
 - -all users
 - -indigenous people



The Aha's

Boils down to approaching the issue with humility rather than arrogance

Provides a values-based blueprint for moving shareholders toward common objectives. e.g. we all learn in different ways- auditory, visual... great linkages. Takes people from position-based thinking to interest-based. This is fundamental to conflict resolution.

I see this as highly, highly portable. So valuable as a perspective-transformation tool.

It's a comprehensive, systematic & transparent framework for moving toward consensus on environmental issues.

Services

